

### **AMENDMENTS TO THE DRAWINGS**

Figure 1 in Drawing Sheets 1 and 2 is amended.

Figure 5 in Drawing Sheet 52 also is amended.

Applicants provide Replacement Drawing Sheets 1, 2 and 52 which replace the original Drawing Sheets 1, 2 and 52.

### REMARKS/ARGUMENTS

Claims 2, 3, 7, 8, 10, 11 and 16 are being cancelled. Claims 1, 4, 9 and 12-15 are being amended. Claims 17-25 are withdrawn. New claims 26-30 are being added. No new matter has been introduced by the amendments.

After entry of the above amendments, claims 1, 4-6, 9, 12-15 and 26-30 will be pending.

#### **Non-Compliance with Sequence Rules**

As required by the Examiner, paragraphs [0041]-[0044], [00132], [00194] and [00196] are being amended to specify the variant of AKT3 (*i.e.*, SEQ ID NO: 4) that was used.

The sequence represented by the tetrapeptide Cys-Arg-Ser-Leu fused to the N-terminal of residues 136-461 of SEQ ID NO: 1 is being added to the Sequence Listing and Figure 1 as SEQ ID NO: 4, in accordance with the Examiner's suggestion.

#### **Objections to the Specification**

The description of Figure 2 is being amended to specify that that the crystal is of the "complex of ATP with AKT3 of SEQ ID NO: 4", as suggested by the Examiner.

The Specification is being amended at paragraph [0012] to clarify that "PEG MME" refers to polyethylene glycol monomethyl ether. MME would have been known to persons skilled in the art at the time the present invention was made (*see, e.g.*, Brzozkowski *et al.*, "Poly(ethylene) glycol monomethyl ethers - an alternative to poly(ethylene) glycols in protein crystallization", *Acta Cryst. D* **50**:466-68 (1994); copy attached).

In view of the foregoing, the objections to the Specification should be withdrawn.

### **Objections to the Drawings**

Figure 1 is being amended to be numbered in accordance with 37 CFR 1.84(u)(1), as suggested by the Examiner. Figure 1 is also being amended to include SEQ. ID No. 4, as suggested by the Examiner.

Figure 5 is being amended to increase the size of the reference numbers, as suggested by the Examiner.

### **Examiner's Understanding With Respect to the Specification**

The Examiner is correct in stating that the specific protein used in Examples 1 and 2 consists of the tetrapeptide Cys-Arg-Ser-Leu fused to the N-terminal of residues 136-461 of SEQ ID NO: 1. As indicated above, the amino acid sequence of the protein used in Examples 1 and 2 is being added to the Sequence Listing and Figure 1 as SEQ ID NO: 4. Given that the Examiner correctly understood Applicants' teaching, no new matter is introduced by the amendments to Figure 1 and the Sequence Listing.

The Examiner is also correct in that the stock solution of the protein contains 50% egg-white lysozyme, as indicated in the specification at paragraph [00194].

### **Rejections under 35 USC §112, First Paragraph**

The Examiner rejects claims 1-15 under 35 U.S.C. §112, First Paragraph, on the ground that the claims, as presented, do not satisfy the written description or enablement requirements. Applicants are amending the claims such that all the pending claims are drawn to compositions and methods utilizing SEQ. ID NOS: 3 and 4, which are shown in Figure 1. In regard to the crystalline protein, the claims are limited to a protein consisting of SEQ. ID NO: 4 which Applicants did crystallize. In view of the above amendments, Applicants submit that the pending claims overcome the Examiner's rejections. Withdrawal of the rejection to these claims under 35 U.S.C. §112, First Paragraph, is respectfully requested.

**Rejection of Claim 16 under 35 U.S.C. §§112, Second Paragraph, and 102**

Claim 16 is being cancelled thereby rendering the rejection under 35 U.S.C. §§112, Second Paragraph, and 102 moot.

**Additional Amendments to the Claims**

Claims 12-15 are being amended to provide antecedent basis for the protein crystal.

**Substitute Sequence Listing**

Applicants submit the enclosed Substitute Sequence Listing in order to add SEQ ID NO. 4, such that the information is consistent with Figure 1, as amended. The Sequence Listing has also been amended to conform the description of SEQ ID NOS: 1, 2 and 3 at lines <221>-<223> to the rules. No other amendments relative to the original sequence listing are made in the Substitute Sequence Listing.

Two copies of the Substitute Sequence Listing in written form are enclosed. A CD-R containing the Substitute Sequence Listing in computer readable form (CRF) is also enclosed.

Pursuant to 37 C.F.R. §1.821(f) and (g), I hereby state that the information recorded in computer readable form on the enclosed CD-R is identical to the written Substitute Sequence Listing enclosed herein for the above-referenced application. I hereby further state that the submission, filed in accordance with 37 C.F.R. §1.821(g), herein does not include new matter.

### CONCLUSION


In light of the amendments and remarks set forth above, Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance.

Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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